

112TH CONGRESS  
1ST SESSION

# H. R. 1639

To amend the Federal Food, Drug, and Cosmetic Act to clarify the Food and Drug Administration’s jurisdiction over certain tobacco products, and to protect jobs and small businesses involved in the sale, manufacturing and distribution of traditional and premium cigars.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 15, 2011

Mr. POSEY (for himself, Ms. CASTOR of Florida, Mr. COLE, Mr. CALVERT, and Mrs. MILLER of Michigan) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Federal Food, Drug, and Cosmetic Act to clarify the Food and Drug Administration’s jurisdiction over certain tobacco products, and to protect jobs and small businesses involved in the sale, manufacturing and distribution of traditional and premium cigars.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Traditional Cigar Man-  
5       ufacturing and Small Business Jobs Preservation Act of  
6       2011”.

1 **SEC. 2. LIMITATION OF AUTHORITY WITH RESPECT TO**  
2 **PREMIUM CIGARS.**

3 (a) EXCEPTION FOR TRADITIONAL LARGE AND PRE-  
4 MIUM CIGARS.—Section 901(c) of the Federal Food,  
5 Drug, and Cosmetic Act (21 U.S.C. 387a(c)) is amend-  
6 ed—

7 (1) in paragraph (2), in the heading, by insert-  
8 ing “FOR CERTAIN TOBACCO LEAF” after “AUTHOR-  
9 ITY”; and

10 (2) by adding at the end the following:

11 “(3) LIMITATION OF AUTHORITY FOR CERTAIN  
12 CIGARS.—

13 “(A) IN GENERAL.—The provisions of this  
14 chapter (except for section 907(d)(3)) shall not  
15 apply to traditional large and premium cigars.

16 “(B) RULE OF CONSTRUCTION.—Nothing  
17 in this chapter shall be construed to grant the  
18 Secretary authority to promulgate regulations  
19 on any matter that involves traditional large  
20 and premium cigars.

21 “(C) TRADITIONAL LARGE AND PREMIUM  
22 CIGAR DEFINED.—For purposes of this para-  
23 graph, the term ‘traditional large and premium  
24 cigar’—

25 “(i) means any roll of tobacco that is  
26 wrapped in leaf tobacco, contains no filter,

1                   and weighs at least 6 pounds per 1,000  
2                   count; and

3                   “(ii) does not include a cigarette (as  
4                   such term is defined by section 900(3)) or  
5                   a little cigar (as such term is defined by  
6                   section 900(11)).”.

7           (b) CONFORMING AMENDMENTS.—Section 919(b) of  
8 the Federal Food, Drug, and Cosmetic Act (21 U.S.C.  
9 387s(b)) is amended—

10           (1) in paragraph (2)(B)(II), by inserting “, but  
11           excluding traditional large and premium cigars (as  
12           such term is defined under section 901(c)(3)” before  
13           the period; and

14           (2) in paragraph (5) by inserting “subject to  
15           section 901(c)(3),” before “if a user fee”.

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